

REMARKS/ARGUMENTS

The non-Final Office Action dated July 23, 2008 has been received and the comments have been considered. Claims 1, 3, 7, and 9 have been amended. Claims 1-10 are currently pending. Applicants respectfully request reconsideration in view of the remarks set forth below.

Applicants thank the examiner for his examination of the application and the indication of allowable subject matter in claims 1-10 upon an amendment to overcome the Section 112, second paragraph rejection and submission of a Terminal Disclaimer.

With respect to the Section 112, second paragraph rejection, applicants respectfully note that the amendment to claims 1, 3, 7, and 9 now tie the measuring steps with the calculating steps. In particular, each of the noted claims now recites:

calculating a corrected current value representative of a glucose concentration using the measured first current, the measured second current, and a ratio of said covered area to said uncovered area of said first and said second working electrodes...

Because the calculating steps now require the use of the first and second currents as measured in the measuring steps for the calculating step, claims 1, 3, 7, and 9 now recite the elements deemed essential by the Examiner. Accordingly, this rejection has been overcome and should be with drawn.

With respect to the non-statutory obviousness double patenting rejections, applicants hereby submit a Terminal Disclaimer with respect to commonly owned application S.N. 10/977,292, which has been abandoned. Accordingly, these rejections should be with drawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicant earnestly solicits early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application

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in condition for allowed, he is urged to contact the undersigned Attorney via telephone at 408-942-5721, or facsimile number 408-956-4404.

The Commissioner has been authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account.

Respectfully submitted,

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